

**Department of Marine Resources
Lobster Advisory Council Meeting Minutes
May 21, 2003 – 5:00 p.m.
Boothbay Harbor Office**

A meeting of the Department of Marine Resources' Lobster Advisory Council (Council) was held on this date at the Department's Boothbay Harbor Office. Council members attending this meeting included: Chair Steve Train (Non-Zone Lobsterman), Burt Leach (Zone C), Dan Miller (Zone D), Larry Knapp (Zone E), Frank Strout (Zone F), Jim Alwin (Zone G), Ted Hoskins (General Public Member), William Atwood (Western Dealer) and Bob Baines (Non-Zone Lobsterman). Council members not present included: Jon Carter (Zone B) and Dana Rice (Eastern Dealer). Deputy Commissioner David Etnier, Deirdre Gilbert, Terry Stockwell, Colonel Joe Fessenden, Carl Wilson and Sarah Cotnoir of the Department of Marine Resources were also present. Others present were Carla Morin, Clare Grindal, Lyman Kennedy, Bob Brown, Leroy Weed, Jr. and Susan Jones.

The meeting convened at 5:15 p.m.

- 1. Welcome and Review of Agenda**
- 2. Approval of Minutes (*March 19, 2003 meeting*)**

MOTION: (*B. Baines and T. Hoskins*) To accept the minutes of the March 19, 2003 meeting as written.
Unanimous.

3. Reports and Updates

a. Zone Issues - Summaries

Zone A: A Zone A representative was not present at the meeting.

Zone B: A Zone B representative was not present at the meeting.

Zone C: B. Leach reported that Zone C is scheduled to meet on June 4, 2003 to primarily discuss the Seed Lobster Fund and shell disease. Of the 9 people polled on the Zone C Council, 8 members' first choice was to have the seed lobster fund help fund hatcheries; 1 member wanted funding for the female lobster purchase project. If hatcheries are not an option at all, then 5 members would want the money to go for research and the other 4 members for purchasing female lobsters. The Stonington Fisheries Alliance (SFA) has the gear, the building, etc. SFA has drawn up a proposal to respond to the Lobster Research RFP.

Zone D: D. Miller stated that Zone D met on May 14th, but did not have a quorum. Carl Wilson spoke about shell disease. Sherm Hoyt presented a Marine Protected Areas follow-up from the Forum.

Zone E: L. Knapp contacted the Zone E Council to get feedback on the uses of the Seed Lobster Fund. There was a unanimous response for the money to be added back to the research fund.

During the last legislative sessions, 2 of their bills were weaved into one - LD 703. Zone E is not sure of the outcome and would like further explanation at their next zone council meeting.

Zone F: F. Strout explained that there was a good turnout at their last Zone F meeting on May 6th. Carl Wilson gave a presentation about shell disease. Legal lobsters should be taken out of the water, along with a normal lobster from the same area and brought to the DMR Lab in Boothbay for comparative analysis.

The Zone F lobstermen also want the seed lobster money to be added to the lobster research fund. The mandatory v-notching already in place should liken to the female lobster purchase

and therefore, do not want to purchase additional female lobsters. There was also discussion about double-tagging.

Zone G: J. Alwin reported that the Zone G Council has met twice since the March LAC meeting. At the March 27th meeting, Carl Wilson was there talking about shell disease. The Zone agreed that the seed lobster fund money should be split 50/50. If not split, putting more towards research. Perhaps some dive work could be done in the coves/harbors. Lobsters aren't where they used to be. Look at how sewer pump-outs are affecting the eelgrass areas. They are using chlorine or some other type of chemical. If it were raw sewage, there would be tons of lobsters and there aren't. There was an article in the CFN about a large discharge pipe and raw sewage in the Boston Harbor. They fought it down there, but it still went through. There aren't any lobsters seen there now.

Other agenda items included legislation and whales. Zone G was defeated on the double-tagging issue today. The Zone G legislative representative encouraged people to pursue the appeal process plan regarding license denials in response to 5 different bills.

b. DMR Updates (Whales, ASMFC, etc.)

ASMFC – The ASMFC Lobster Management Board will be meeting the second week of June to discuss: Stock Declines in Area 2; an Area 3 trap reduction schedule, as well as a trap transferability program; and discussion and interpretation of the most restrictive rule for multi-area fishermen with regard to trap allocations.

Whales – The Take Reduction Team met in Providence at the end of April to discuss additional modifications that may be necessary to meet the goals of the MMPA & ESA. NMFS announced that it would be reinitiating consultation of Section 7 of the Endangered Species Act. Last year there were eight entangled right whales and five mortalities and there have been two entanglements so far this year. In terms of refining the proposed TRP amendments, scoping meetings will be held over the next few months to take public comment on the proposals that came out of the April TRT meeting. A Draft Environmental Impact Statement (DEIS) is due by this fall, with proposed final rules due by late fall. It is conceivable that some new whale rules will be in place by fishing year 2004.

Some of the fundamental principals they are looking at are a reduction of all vertical lines and the risk of end lines. Working with the sightings data, there should be exemptions on a state-by-state basis. There is agreement from the TRT that Maine does have rocky tidal habitat. Their proposal to prohibit poly float line is unrealistic and unreasonable. DMR has recently been given funding to continue ROV work for a 30-day project. This project is intended to film lobster gear in coastal and near shore waters from Kittery to Lubec demonstrating that the use of poly rope need not be prohibited, only its profile reduced.

The Northeast Inshore Lobster-ALWTRP Working Group met this week. Discussion items included:

- They are considering increasing SAM areas in Massachusetts waters.
- The proposed gear modifications would be in lieu of the SAMs & DAMs.
- DMR, along with industry input, will be proposing exempted areas. An exemption was considered for inside the headlands and rivers. Even using the best available data, there isn't any data for waters that close to shore. We are looking for a total exemption.
- There is talk about a buyback/recycling program.
- The Humane Society has been challenged to raise their dues to help cover those expenses.
- Marking is another huge issue.
- They want to prohibit sheep-shanking. No coils.
- Definition of low profile?

People are encouraged to attend the NMFS public hearings. If people don't attend, it suggests a lack of interest. They will also be taking written comment. All of this information will be included in the DEIS.

In the future, there will likely be discussion about fishing trawls, but ground lines are the issue right now.

A big thanks is given to Marine Patrol for giving us clout to stand behind our words.

4. Old Business

a. Legislative Update (*Deputy Commissioner Etnier*)

David Etnier distributed the LD Tracking as of May 21st. Of the 10 bills that potentially would have directly affected the lobster industry, 2 of those bills passed, both of which were amended by the Marine Resources Committee (MRC). The two bills that passed were LD 703 and LD 1368.

LD 703 – An Act to Change the Options for a Lobster Management Zone and to Change Entry Criteria for Noncommercial Licenses (Sunsets 2006)

Exclusive to Zone E – Upon approval through a zone referendum, the Zone E Lobster Council may propose to the Commissioner options relative to the Apprentice Program for Zone E that do any or all of the following:

- Increase the length of time an apprentice must be enrolled in the apprentice program up to a maximum of 5 years. A proposal to increase the length of enrollment does not apply to apprentices enrolled in the program at the time the proposal takes effect;
- Require a sponsor of an apprentice to have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years; or
- Require that an apprentice may enter Zone E only if he/she apprenticed in Zone E.

There is still concern of students automatically getting a license without going on a waiting list.

New Statewide Requirements for Noncommercial Lobster Licenses – They must declare the lobster zone in which they will fish, and the vessel from which they will fish. The Department is prohibited from issuing more than 10 trap tags per vessel, regardless of the number of noncommercial license holders who declare that vessel. Fishing off the docks will be illegal.

LD 1368 – An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses

It was a divided report among the Committee, but the bill still passed. Applicants for a student, apprentice or noncommercial license must be at least 8 years old.

A graduated trap system is established for student license holders where the maximum of traps allowed is determined by the license holder's age:

- | | |
|--|-----------|
| • 8 years of age or older and under 11 years: | 10 traps |
| • 11 years of age or older and under 14 years: | 50 traps |
| • 14 years of age or older and under 23 years: | 150 traps |

Current student license holders who are under the age of 8 are grandfathered and will be allowed to keep their licenses, however, they will be subject to the new trap limits. A person who is 8 years of age or older and holds a student license on October 31, 2003 may continue to be issued a student license and fish up to 150 traps until they no longer hold a student license. Apprentices under the age of 8 will not be grandfathered.

Another bill of interest to the lobster industry that passed this session:

LD 1387 – An Act Concerning the Renewal of Commercial Harvester and Dealer Licenses

In the past, there have not been any consequences for those fisheries required to report landings and have failed to do so. This law allows the Commissioner the option to refuse to renew a holder's license until the holder complies with reporting requirements.

LD 277 – An Act to Amend the Eligibility Requirements for a Lobster and Crab Fishing License

This was the only bill that had any life in it at the end of the session - 8 Ought Not To Pass – 5 Ought To Pass. It was defeated in both the House and Senate. A majority report was sent to DMR requesting that the issue be examined to determine if the current system can be made to operate in a more equitable and efficient manner. The minority report of the Committee had proposed the creation of an Appeals Board which would apply to anyone that held any lobster license for 4 consecutive years, but had let it lapse due to extraordinary circumstances (poor health, economic reasons, military, etc.), but was defeated on the floor of the House. The Department intends to continue to examine this issue with the assistance of the industry. The Committee is concerned that there is no appeal process in place and wants to revisit at a later date.

It would be helpful for the Lobster Advisory Council and the MRC to meet in the future to discuss this process. The MRC will be expecting something from this Council, which will be an agenda item at the fall LAC meeting.

LD 276 – An Act to Allow the Sale of Lobster and Crab Fishing Licenses

This is the only bill being carried over until the second session in January. It is not clear what the Department is expected to provide to the MRC, but will follow-up. There has been some question of possibly allowing the transfer of the license to a family member. There is nothing in statute to get a license back without going through the Apprentice Program.

Since 1997, there have been 684 new issues into the lobster fishery. There was a moratorium during three of those years, which would amount to about 125 per year getting in.

There have been numerous complaints that Zone A apprentices are having difficulty finding a sponsor and can't get a job as a sternman. People who have wanted to or have apprenticed are required to work for reduced wages to serve as a sternman. Is this a violation of the intent of the Apprentice Program? Economics are different and the demand is different Downeast.

LD 449 – An Act To Require All Fees, Fines and Penalties To Be Deposited into the General Fund

Still in Appropriations Committee.

b. Discussion on Seed Lobster Fund

Zone C would like to see some of the Seed Lobster Fund spent on lobster hatcheries. They would favor looking at some areas that have dried up and see if these hatcheries have any positive benefit. Stonington Fisheries Alliance (SFA) still has the building and equipment. They are hoping to do this project in any case, but it would be helpful to get partial funding from the Seed Lobster Fund. SFA will be submitting a proposal for a hatchery project. There has been much controversy about the cost-effectiveness of hatcheries.

The intent of donating the money back to the Seed Lobster Fund is to accumulate resources earmarked for coast-wide lobster research to help with future management decisions, rather than zone-specific research projects.

The LAC voted to recommend that \$45,000 be allocated for seeders.

The LAC Zone reps reported back whether their zones wanted to purchase female lobsters or have the money remain in the Seed Lobster Fund for research. Zone A elected to purchase \$10,000 worth of female lobsters for v-notching and liberation. Zone G elected to purchase \$5,000 worth of female lobsters and allocate \$5,000 for research. The remaining five zones allocated \$10,000 a piece to be added to the base of \$50,000, for a total amount of \$105,000 allocated for lobster research.

Seed Lobster Fund Breakdown as of May 21, 2003

The Lobster Advisory Council met on May 21, 2003 to vote and make recommendations to the Commissioner regarding allocations and use of the Seed Lobster Fund

Available cash as of 5/13/03	135,219.06
Anticipated Revenues for the Remainder of 2003 (based on annual collections)	44,500.00
Projected Funds Available for the Remainder of 2003	<u><u>179,719.06</u></u>

The Lobster Advisory Council unanimously voted to allocate the following:

Base amount allocated for research (from March 19, 2003 meeting)	50,000.00
Seeders	45,000.00
Additional allocation for research or purchase of females (to be divided equally among 7 zones - zones determine if funds will be used for in-zone female lobster purchase or allocated for general research with priorities recommended by the LAC Seed Lobster Fund Research Sub-Committee)	70,000.00
Balance remaining in fund (buffer) (minimum required for discretionary/emergency purposes = \$10,000)	14,719.06
	<u><u>179,719.06</u></u>

The individual zone's allocation of funds for seed lobster purchase is for female lobsters to be v-notched and released. However, some of the zones prefer to assign part or all of their allocation from the Seed Lobster Fund to research rather than purchasing female lobsters. Assuming each zone is allocated \$10,000, see detail below for preferred assignment.

Table of Amounts Assigned by Zones

	Purchasing Female Lobsters for V-notching & Liberation	Research	Total
Zone A	10,000.00		10,000.00
Zone B		10,000.00	10,000.00
Zone C		10,000.00	10,000.00
Zone D		10,000.00	10,000.00
Zone E		10,000.00	10,000.00
Zone F		10,000.00	10,000.00
Zone G	5,000.00	5,000.00	10,000.00
	<u>15,000.00</u>	<u>55,000.00</u>	<u>70,000.00</u>

Total Research Allocation

Base amount allocated for research (from March 19, 2003 meeting)	50,000.00
Add amounts designated by zones for general research	55,000.00
Total amount allocated for research	<u><u>105,000.00</u></u>

The Seed Lobster Fund Sub-Committee will be meeting the first week of June to review the lobster research proposals and then provide a summary of recommendations back to the LAC, who can bring recommendations back to their harbors for input/feedback. Bids will be awarded in the middle of June.

MOTION: *(B. Baines and B. Leach)* To recommend to the Commissioner using the year 2003 Seed Lobster Fund as follows:

\$ 45,000	to purchase lobsters from pounds (seeders)
105,000	for lobster research (see breakdown above)
15,000	to purchase female lobsters for v-notching and liberation (Zones A&G)
<u>10,000</u>	a minimum for discretionary/emergency purposes (buffer)
<u>\$175,000</u>	

Unanimous.

5. a. Discussion of Lobster Health Management Sub-Committee (Deputy Commissioner Etnier)

In terms of lobster health, there has been some discussion of "what-if" scenarios relating to shell disease. It was suggested to form a sub-committee of the Lobster Advisory Council to work with Marine Patrol and the DMR lab to work out policies/procedures to deal with diseased lobsters. What, if anything, do we do with juveniles, eggers, or otherwise illegal lobsters that have shell disease?

Transmission of shell disease between lobsters is still unknown. The agent is still unknown. From a science side, what do we do if we are seeing many shell diseased lobsters? There is no specific evidence that shell disease is either contagious and/or genetic.

Carl is seeking information from colleagues whether it makes a difference to leave the lobster in the water or remove it. Until official protocols are established, contact Marine Patrol to have a shell diseased lobster analyzed.

It was suggested that zone council representatives be the contacts to collect these diseased lobsters to transport to the lab.

The Lobster Health Management Sub-Committee members are: Deputy Commissioner David Etnier, Colonel Joe Fessenden, Carl Wilson, Lyman Kennedy and Bob Baines. They will have their first meeting within a couple weeks.

6. Set Next Meeting Date and Agenda

The date of the next Lobster Advisory Council meeting was set for **Wednesday, June 18th, 2003 at 5:00 p.m.** at the DMR in Hallowell.

MOTION: *(T. Hoskins and B. Leach)* To adjourn. *Unanimous.*

The meeting adjourned at 7:10 p.m.